

THE HOUSE OF REPRESENTATIVES
Tuesday, April 15, 2008

Committee Substitute for
ENGROSSED
Senate Bill No. 1900

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1900 - By:
BRANAN of the Senate and THOMPSON of the House.

An Act relating to roads, bridges and ferries; amending 69 O.S. 2001, Section 1705, as last amended by Section 7, Chapter 150, O.S.L. 2006 (69 O.S. Supp. 2007, Section 1705), which relates to turnpikes; making language gender neutral; creating exemption for certain surface treatment projects; amending 69 O.S. 2001, Sections 1735 and 4017, which relate to certain employee safety programs; modifying amount of certain awards; expanding authorized awards for the Department of Transportation; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. AMENDATORY 69 O.S. 2001, Section 1705, as last amended by
2 Section 7, Chapter 150, O.S.L. 2006 (69 O.S. Supp. 2007, Section 1705), is amended to
3 read as follows:

4 Section 1705. The Oklahoma Turnpike Authority is hereby authorized and
5 empowered:

6 (a) To adopt bylaws for the regulation of its affairs and conduct of its business.

7 (b) To adopt an official seal and alter the same at pleasure.

8 (c) To maintain an office at such place or places within the state as it may
9 designate.

1 (d) To sue and be sued in contract, reverse condemnation, equity, mandamus and
2 similar actions in its own name, plead and be impleaded; provided, that any and all
3 actions at law or in equity against the Authority shall be brought in the county in which
4 the principal office of the Authority shall be located, or in the county of the residence of
5 the plaintiff, or the county where the cause of action arose. All privileges granted to the
6 Authority and duties enjoined upon the Authority by the provisions of Sections 1701
7 through 1734 of this title may be enforced in a court of competent jurisdiction in an
8 action in mandamus.

9 (e) To construct, maintain, repair and operate turnpike projects and highways, with
10 their access and connecting roads, at such locations and on such routes as it shall
11 determine to be feasible and economically sound; provided, that until specifically
12 authorized by the Legislature, the Authority shall be authorized to construct and operate
13 toll turnpikes only at the following locations:

14 (1) The Turner Turnpike between Oklahoma City and Tulsa.

15 (2) The Southwestern (H.E. Bailey) Turnpike between Oklahoma City and Wichita
16 Falls, Texas.

17 (3) The Northeastern (Will Rogers) Turnpike between Tulsa and Joplin, Missouri.

18 (4) The Eastern (Indian Nation) Turnpike between Tulsa and Paris, Texas,
19 including all or any part thereof between McAlester and the Red River south of Hugo.

20 (5) The Cimarron Turnpike between Tulsa and Interstate Highway 35 north of
21 Perry, including a connection to Stillwater.

1 (6) The Muskogee Turnpike between Broken Arrow and Interstate Highway 40
2 west of Webbers Falls.

3 (7) All or any part of an extension of the Muskogee Turnpike, beginning at a point
4 on Interstate Highway 40 near the present south terminus of the Muskogee Turnpike,
5 and extending in a southeasterly direction on an alignment near Stigler, Poteau and
6 Heavener to the vicinity of the Arkansas State Line to furnish access to Hot Springs,
7 Texarkana, Shreveport and New Orleans.

8 (8) A tollgate on the Turner Turnpike in the vicinity of Luther, Oklahoma, and in
9 the vicinity of the intersection of State Highway 33 and Turner Turnpike in Creek
10 County, Oklahoma, or in the vicinity of the intersection of State Highway 33 and Turner
11 Turnpike or U.S. Highway 66 in Creek County, Oklahoma, from any monies available to
12 the Authority.

13 (9) Add on the Will Rogers Turnpike a northbound automatic tollgate onto State
14 Highway 28 and a southbound on-ramp from State Highway 28.

15 (10) A turnpike or any part or parts thereof beginning in the vicinity of Duncan
16 extending east to the vicinity of the City of Davis, and extending in a northeasterly
17 direction, by way of the vicinity of the City of Ada, to a connection in the vicinity of
18 Henryetta or in the vicinity of the intersection of State Highway 48 and Interstate 40;
19 and a turnpike or any part or parts thereof from the vicinity of Snyder extending north to
20 the vicinity of Woodward.

21 (11) A turnpike or any part or parts thereof beginning at a point in the vicinity of
22 Ponca City, or at a point on the Kansas-Oklahoma state boundary line east of the

1 Arkansas River and west of the point where Oklahoma State Highway No. 18 intersects
2 said state boundary line, and extending in a southeasterly direction to a connection with
3 the Tulsa Urban Expressway System in the general area of the Port of Catoosa.

4 (12) All or any part of an Oklahoma City toll expressway system connecting the
5 residential, industrial and State Capitol Complex in the north part of Oklahoma City
6 with the residential, industrial and Will Rogers World Airport Complex in the south and
7 southwest parts of Oklahoma City.

8 (13) A turnpike (The Industrial Parkway) or any part or parts thereof beginning at
9 a point on the Oklahoma-Kansas state boundary line between the point where U.S.
10 Highway 66 intersects the boundary line and the northeast corner of Oklahoma and
11 ending by means of a connection or connections with Shreveport, Louisiana, and
12 Houston, Texas, in southeastern Oklahoma and at no point to exceed thirty (30) miles
13 west of the Missouri or Arkansas border.

14 (14) A turnpike or any part or parts thereof beginning in the vicinity of Velma or
15 County Line to a point intersecting with Interstate 35 in the area south of Davis.

16 (15) A turnpike or any part or parts thereof beginning in the vicinity of Watonga
17 and extending south and/or east to the vicinity of north and/or west Oklahoma City.

18 (16) A tollgate on the Will Rogers Turnpike near the intersection of State Highway
19 137 and the Will Rogers Turnpike, located south of Quapaw.

20 (17) A tollgate on the Muskogee Turnpike in the vicinity of Porter, Oklahoma, a
21 tollgate on the Will Rogers Turnpike in the vicinity of Adair, Oklahoma, a tollgate on the

1 Turner Turnpike in the vicinity of Luther, Oklahoma, and a tollgate on the H.E. Bailey
2 Turnpike at Elgin, Oklahoma, from any monies available to the Authority.

3 (18) A tollgate on the Turner Turnpike in the vicinity of Wellston, Oklahoma, from
4 any monies available to the Authority.

5 (19) A tollgate on the Muskogee Turnpike in the vicinity of Brushy Mountain,
6 Oklahoma, and in the vicinity of Elm Grove, Oklahoma, from any monies available to the
7 Authority.

8 (20) All or any part of an Oklahoma City Outer Loop expressway system beginning
9 in the vicinity of I-35 and the Turner Turnpike and extending west into Canadian
10 County and then south to I-40; and then south and east to I-35 in the vicinity of Moore
11 and Norman; and then extending east and north to I-40 east of Tinker Field; and then
12 extending north to the Turner Turnpike to complete the Outer Loop.

13 (21) All or any part of the Tulsa south bypass expressway system beginning in the
14 vicinity of the Turner Turnpike near Sapulpa and extending south and east to U.S. 75 in
15 the vicinity of 96th Street to 121st Street; and then east across the Arkansas River to a
16 connection with the Mingo Valley Expressway; and then south and/or east to a point on
17 the Tulsa-Wagoner County Line near 131st street south in the city of Broken Arrow.

18 (22) A new turnpike or any part thereof from near the west gate of the Will Rogers
19 Turnpike south to the west end of south Tulsa Turnpike at the Tulsa-Wagoner County
20 Line.

21 (23) A new turnpike or any parts thereof from the vicinity of the connection
22 between State Highway 33 and U.S. 69 easterly to the Arkansas State Line.

1 (24) A four-lane extension of the Muskogee Turnpike from Interstate Highway 40
2 west of Webbers Falls to the Poteau vicinity.

3 (25) A new turnpike or any part or parts thereof beginning at a point in the vicinity
4 of northwest Tulsa, and extending in a northwesterly direction, by means of a connection
5 or connections with the cities of Pawhuska and Newkirk, to a point intersecting in the
6 vicinity of US Highway No. 77 and the Kansas State Line.

7 (26) A full access interchange on the Indian Nation Turnpike south of Interstate 40,
8 in the vicinity of Henryetta, Oklahoma, and in the vicinity of the proposed theme park,
9 museum or an industrial facility which qualifies for the Oklahoma Quality Jobs Program
10 Act, from any monies available to the Authority.

11 (27) A new turnpike beginning at a point directly west of the Arkansas line and
12 four-laning Highway 70 from that point to the farthest western reach of Highway 70
13 creating a southern route through Oklahoma.

14 (28) A new turnpike and bridge or any parts thereof from a point in the vicinity of
15 the city of Mustang southerly across the South Canadian River to the H.E. Bailey
16 Turnpike in the vicinity of the city of Tuttle; and then easterly across the South
17 Canadian River to a point in the vicinity of the city of Norman.

18 (29) A new turnpike or any parts thereof beginning at a point in the vicinity of the
19 city of Altus and extending in a northwesterly direction to a point in the vicinity of the
20 city of Sayre.

1 (30) A new turnpike or any parts thereof beginning at a point in the vicinity of the
2 city of Enid and extending in a westerly direction to a point in the vicinity of the city of
3 Woodward.

4 (31) An on- and off-ramp or any parts thereof at Fletcher, Oklahoma, in the vicinity
5 of the Interstate 44 and State Highway 277 intersection. Any existing on- or off-ramp or
6 any parts thereof in the vicinity of Fletcher, Oklahoma, shall not be removed and shall be
7 maintained pursuant to Section 1701 et seq. of this title.

8 (32) A new bridge crossing the Arkansas River in the vicinity of South Yale Avenue
9 and South Yale Place in Tulsa County. This project shall commence upon a
10 determination by the Oklahoma Transportation Authority that such bridge shall be self-
11 sufficient at some point over a thirty-year time period from the toll charges associated
12 with the bridge project.

13 (33) An exit ramp or any parts thereof from the eastbound lane of the Turner
14 Turnpike at 96th Street in Tulsa.

15 (34) An on- and off-ramp or any parts thereof on the Cimarron Turnpike in the
16 vicinity of the northside of the Glencoe, Oklahoma, municipal limits.

17 All access roads, interchanges, or lead roads connecting such turnpikes with
18 existing highways must be built by funds furnished by the Authority.

19 The minimum and maximum wages for the construction of the roads, highways and
20 projects provided for in Sections 1701 through 1734 of this title shall be in accordance
21 with the schedules of wages used or adopted by the Commission in construction of state
22 highways.

1 The Authority is hereby authorized to enter into contracts or agreements with
2 agencies and instrumentalities of other states or the national government for
3 construction, maintenance and operation of interstate turnpikes or highways.

4 The Authority is hereby required to construct and install automatic tollgates on the
5 Will Rogers Turnpike at State Highway No. 28 near Adair.

6 (f) To issue turnpike revenue bonds of the Authority, payable solely from revenues,
7 including the revenues accruing to the trust fund created by Sections 1701 through 1734
8 of this title, for the purpose of paying all or any part of the cost of any one or more
9 turnpike projects. Provided that any bonds issued for the construction of the proposed
10 turnpike referred to in subparagraphs (10), (20), (21) and (22) of paragraph (e) of this
11 section shall be issued as one issue for all four of the proposed turnpikes and shall be
12 financed, constructed and operated under one bond indenture.

13 (g) To fix and revise from time to time tolls for the use of any turnpike projects.

14 Any common carrier having authority at the time of opening any turnpike project to
15 operate upon a highway approximately paralleling the turnpike project shall be granted
16 without further showing authority to operate over the turnpike project to all
17 municipalities which such carrier is serving at the time the turnpike project is opened to
18 traffic. But nothing herein shall be construed as granting any new operation rights to
19 any common carriers.

20 (h) To acquire, hold, and dispose of real and personal property in the exercise of its
21 powers and the performance of its duties.

1 (i) To acquire in the name of the Authority by purchase or otherwise on such terms
2 and conditions and in such manner as it may deem proper, or by exercise of the right of
3 condemnation in manner hereinafter provided, such public or private lands, including
4 public parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-
5 way, property, rights, easements, and interests, as it may deem necessary for carrying
6 out the provisions of Sections 1701 through 1734 of this title; provided, that all public
7 property damaged in carrying out the powers granted by Sections 1701 through 1734 of
8 this title shall be restored or repaired and placed in its original condition as nearly as
9 practicable.

10 (j) To designate, except as is provided for herein, the location, and establish, limit
11 and control such points of ingress to and egress from each turnpike project as may be
12 necessary or desirable in the judgment of the Authority to insure the proper operation
13 and maintenance of such project, and to prohibit entrance to such project from any point
14 or points not so designated.

15 (k) To make and enter into all contracts and agreements necessary or incidental to
16 the performance of its duties and the execution of its powers, and to employ consulting
17 engineers, attorneys, accountants, construction and financial experts, superintendents,
18 managers, and such other employees and agents as may be necessary in its judgment,
19 and to fix their compensation; provided, that all such expenses shall be payable solely
20 from the proceeds of turnpike revenue bonds issued under the provisions of Sections 1701
21 through 1734 of this title or from revenues; provided, further, no attorney employed by
22 the Authority, nor any member of any law firm of which ~~he~~ the attorney may be

1 connected, shall ever be paid any fee or compensation for any special or extraordinary
2 services.

3 (l) To receive and accept from any federal agency grants for or in aid of the
4 construction of any turnpike project, provided, the acceptance of such grants will not
5 reduce the amount of federal aid for the construction, repair, or maintenance of farm-to-
6 market roads and other highways and bridges in this state; and to receive and accept aid
7 or contributions from any source of either money, property, labor, or other things of
8 value, to be held, used, and applied only for the purposes for which such grants and
9 contributions may be made.

10 (m) To adopt such rules, and to do any and all things necessary to comply with
11 rules, regulations, or requirements of the Bureau of Public Roads, Multistate Economic
12 Development Regional Commission, as defined in Sections 1151 through 1153, inclusive,
13 of Title 74 of the Oklahoma Statutes, Ozarka Region Commission or any other federal
14 agency administering any law enacted by the Congress of the United States to aid or
15 encourage the construction of highways.

16 (n) To do all things necessary or convenient to carry out the powers expressly
17 granted in Sections 1701 through 1734 of this title. The design standards for all paving
18 shall comply with the design standards of the American Association of State Highway
19 and Transportation Officials as modified by the Oklahoma Department of
20 Transportation. All contracts for construction work on turnpike projects shall be let to
21 the lowest responsible bidder, or bidders, after notice by publication in a newspaper
22 published in the county where the work is to be done in two consecutive weekly issues of

1 the newspaper. In all cases where more than eight (8) miles of construction is let at the
2 same time and is not an advertisement for a surface-treatment-only project, such
3 advertisement shall provide for bids on sections of the turnpike not to exceed eight (8)
4 miles. If the project advertised is a surface treatment only project of more than twenty
5 (20) miles of road, the advertisement shall provide for bids on sections of the road no
6 longer than twenty (20) miles, as well as bids on the project as a whole. Subject to the
7 following restrictions and limitations, the Authority shall, when contracting for
8 construction work, divide such work into paving projects, bridge projects, including
9 underpasses and overpasses, and earthmoving or miscellaneous projects, according to the
10 type of work to be done. Each project shall be let under a separate contract or contracts
11 and no contract or project shall include more than one of such types of construction work.
12 Each contract for construction work shall contain a provision that ninety percent (90%) of
13 all labor employed on the project shall be residents of Oklahoma. However, contracts for
14 bridges may include earthwork and structures for the approaches thereto.

15 (o) It shall be unlawful for any member, officer or employee of the Authority to
16 transact with the Authority, either directly or indirectly, any business for profit of such
17 member, officer, or employee; and any person, firm, or corporation knowingly
18 participating therein shall be equally liable for violation of this provision.

19 The term "business for profit" shall include, but not be limited to, the acceptance or
20 payment of any fee, commission, gift, or consideration to such member, officer, or
21 employee.

1 Violation of this provision shall constitute a felony punishable by incarceration in
2 the State Penitentiary for a term not to exceed five (5) years or a fine of not less than
3 Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00), or
4 both such imprisonment and fine.

5 (p) In the event of a national emergency, the Authority, subject to any vested rights
6 or claims, may enter into contracts with the federal government or any authorized
7 agency thereof to allow the federal government or agency thereof to use such turnpikes
8 partly or exclusively during the existence of such emergency, provided, that the federal
9 government agrees in such contract to pay, during the term of such contract, an amount
10 sufficient, when added to any tolls collected, to meet all operating and maintenance
11 expenses, interest payments, and the minimum sinking fund and reserve requirements
12 of the trust agreement for the turnpike covered by the contract.

13 (q) All meetings of the Authority shall be open public meetings, and all records
14 shall be public records, except when considering personnel or litigation.

15 SECTION 2. AMENDATORY 69 O.S. 2001, Section 1735, is amended to read
16 as follows:

17 Section 1735. It is the intent of the Legislature that the promotion of safety in the
18 workplace is a legitimate public purpose. In order to establish a public employee benefit
19 program to encourage safety in the workplace, the Oklahoma Turnpike Authority is
20 hereby directed to establish an on-the-job employee safety program which encourages
21 work unit safety and reduces lost productivity and compensation costs. In order to
22 promote job safety in work units with exceptional safety records, the Oklahoma Turnpike

1 Authority is authorized to expend from monies available in the Oklahoma Turnpike
2 Authority General Fund so much thereof as may be necessary for the purpose of
3 recognition awards for presentation to the members of work units or individual
4 employees with exceptional safety records. Recognition awards shall consist of
5 distinctive wearing apparel, service pins, U.S. Savings Bonds, or other appropriate
6 awards, the value of which shall not exceed ~~One Hundred Dollars (\$100.00)~~ Two
7 Hundred Dollars (\$200.00) per employee, which recognize the safety achievement of the
8 work unit or individual employees.

9 SECTION 3. AMENDATORY 69 O.S. 2001, Section 4017, is amended to read
10 as follows:

11 Section 4017. It is the intent of the Legislature that the promotion of safety in the
12 workplace is a legitimate public purpose. In order to establish a public employee benefit
13 program to encourage safety in the workplace, the Department of Transportation is
14 hereby directed to establish an on-the-job employee safety program which encourages
15 work unit safety and reduces lost productivity and compensation costs. In order to
16 promote job safety in work units and provide recognition for work units with exceptional
17 safety records, the Department of Transportation is authorized to expend from monies
18 available in the State Highway Construction and Maintenance Fund so much thereof as
19 may be necessary for the purchase of recognition awards for presentation to the members
20 of work units or individual employees with exceptional safety records. Recognition
21 awards shall consist of distinctive wearing apparel, service pins, or U.S. Savings Bonds,
22 and other appropriate awards, value of which shall not exceed ~~One Hundred Dollars~~

1 ~~(\$100.00)~~ Two Hundred Dollars (\$200.00) per employee, which recognizes the safety
2 achievement of the work unit or individual employees.

3 SECTION 4. It being immediately necessary for the preservation of the public
4 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
5 this act shall take effect and be in full force from and after its passage and approval.

6 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT AND
7 TRANSPORTATION, dated 04-14-08 - DO PASS, As Amended.